



10-23-06.

EV 325552484

PTO/SB/30 (07-06)

Ref \$ 150

Request
for
Continued Examination (RCE)
Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/656,567
Filing Date	September 4, 2003
First Named Inventor	Daug, Edward D.
Art Unit	1624
Examiner Name	Zachary C. Tucker
Attorney Docket Number	016325-008510US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☒ Other Copies of 94 cited references; copy of a international search report and a Return Receipt Post Card.

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 20-1430. I have enclosed a duplicate copy of this sheet.
- i. ☒ RCE fee required under 37 CFR 1.17(e) \$ 790.00
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17) \$ _____
- iii. ☐ Other _____ \$ _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed) for \$ _____

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	October 20, 2006
Name (Print /Type)	Mark H. Hopkins, Ph.D.	Registration No.	44,775

CERTIFICATE OF MAILING OR TRANSMISSION

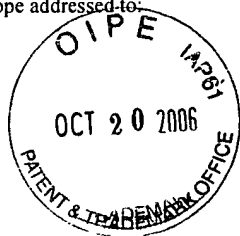
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	October 20, 2006
Name (Print /Type)	Jessie M. Kelly		

I hereby certify that this correspondence is being deposited with the United States Postal Service via express mail in an envelope addressed to:

PATENT
Attorney Docket No.: 016325-008510US

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



On 8-20-2006

TOWNSEND and TOWNSEND and CREW LLP

By: Jessie M. Kelly
Jessie M. Kelly

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Edward D. Daugs

Application No.: 10/656,567

Filed: September 4, 2003

For: RESOLUTION OF α -(PHENOXY)
PHENYLACETIC ACID DERIVATIVES

Examiner: Tucker, Zachary C

Art Unit: 1614

REQUEST FOR RECONSIDERATION
AND A INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Allowance mailed July 20, 2006, Applicants respectfully submit this IDS and, concurrently herewith in a separate paper, a Request for Continued Examination Under 37 CFR § 1.114. The references cited on the attached form PTO/SB/08A are being called to the attention of the Examiner. Copies of the foreign and of the non-patent references are enclosed, in accordance with the requirements of 1287 OG 163. It is respectfully requested that the cited references be expressly considered during the prosecution of

this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

The applicant would like to point out that a copy of reference no. 121 is not enclosed. This listing is a treatise, providing background information only, and will not be submitted unless the examiner requests it.

Also enclosed is a copy of the International Search Report for the corresponding International Patent Application No. PCT/US04/19616.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Please note that this Information Disclosure Statement is being filed concurrently with a Request for Continued Examination; therefore, applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Mark H. Hopkins, Ph.D.
Reg. No. 44,775

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 925-472-5000
Fax: 925-472-8895
M3H:mrjv:jmk
60127119 v1